

BEFORE THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

STATE OF CALIFORNIA

[illegible]

The above-captioned matter was adopted in closed session pursuant to Government Code section 11519 before the California Integrated Waste Management Board (CIWMB) on November 14, 2000, in Sacramento, California, to adopt the proposed decision issued by Honorable W. F. Byrnes, Administrative Law Judge, on August 24, 2000, attached as Exhibit "1".

CIWMB DOES HEREBY MAKE THE FOLLOWING FINDINGS:

1. The CIWMB has issued this Complaint for penalty against Respondent LUIS VARGAS for three counts of violation of Public Resources Code section 42951 (transporting waste tires without holding a valid Waste Tire Hauler Registration), and has assessed a civil penalty of \$1,000.00 for each of the three violations, a total of \$3,000.00 pursuant to Public Resources Code section 42962.

2. The evidence established the following facts:

(a) Respondent LUIS VARGAS (dba DCN RECYCLERS) is the

1 registered owner of a 1989 Ford truck, California license plate
2 No. 4B67661.

3 (b) Respondent, as registered owner of the said Ford
4 truck, has not been issued a valid 1999 Waste Tire Hauler
5 registration.

6 (c) On three separate occasions, on October 20, 1999,
7 November 1, 1999, and November 8, 1999, the said Ford truck was
8 used to transport waste tires on a public roadway to Azusa Land
9 Reclamation Company, a permitted waste tire facility.

10 Pursuant to the foregoing findings of fact, the following
11 is the legal basis for that decision:

12 Cause exists to impose the civil penalty upon Respondent
13 pursuant to Public Resources Code section 42962 for his
14 violations of section 42951 of said Code, by reason of Finding
15 2.

16 **BASED UPON THESE FINDINGS, THE CIWMB HEREBY MADES THE**
17 **FOLLOWING ORDER:**

18 **1.** Administrative complaint No. 00-02AC is affirmed.

19 **2.** Respondent LUIS VARGAS shall pay the civil penalty of
20 \$3,000.00 to the California Tire Recycling Management Fund,
21 payment to be made within thirty (30) days of the effective date
22 of this Order.

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1 **ADOPTED** by the California Integrated Waste Management Board
2 on the 14th day of November, 2000, in Sacramento, California.

3 DATED:

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6 LINDA MOULTON-PATTERSON, Chair
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